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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,128	09/29/2005	Shoji Yuyama	2005_1527A	4073

513 7590 04/19/2007

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EXAMINER	
DURAND, PAUL R	
ART UNIT	**PAPER NUMBER**
3721	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/551,128	YUYAMA ET AL.	
	Examiner	Art Unit	
	Paul Durand	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 September 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The substitute specification submitted 1/29/2007 has been accepted and entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1,5,6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inamura et al (US 5,097,652) in view of Jones (US 5,468,080).

Inamura discloses the invention as claimed including packing sheet 41, printing means 45, sealer 44, with a conveyance portion generally defined by the path of travel, tension means 43, for tensioning a length of the package and moving means 46, which moves the packing sheet through the machine (see Figs. 1,2 and C4,L52 – C5,L19). What Inamura does not disclose is tension control mechanism to hold the packing sheet at a constant value and a position detector. However, Jones teaches that it is old and well known in the art of packaging to provide moving and urging means (generally indicate by arm 18), which comes into contact with the packing web "F" and position detecting means 20, functioning as a senor, which determines the location of the

moving means and the web tension for the purpose of providing and maintaining proper tension on a web of material (see Fig.1 and C3,L39 – C4,L19).

Moreover, while Jones teaches the use of a biased arm, the examiner takes Official Notice that it is old and well known in the art to utilize a spring for the purpose of biasing and urging a member toward a specific position.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the invention of Inamura with the positional and tensional means as taught by Jones for the purpose of providing and maintaining proper tension on a web of material.

4. Claims 2-4,7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inamura and Jones as applied to claim 1 above, in view of Zelnick et al (US 3,191,356).

The modified invention of Inamura, through Jones, discloses the invention as applied to claim 1 above including urging means (generally indicated by arm 18), which ascends and descends along a guide rail in the form of pivot point (no number given) and tension rollers 24,26 which work together for the purpose of ensuring constant tension in the web and to eliminate slack (see Fig.1 and C3,L39 – C4,L19). What the modified invention of Inamura does not disclose is the use of a spring for urging the ascending and descending portion. However, Zelnick teaches that it is old and well known in the art to provide a tension mechanism comprised of ascending and descending mechanism 62, which is biased by spring 50a for the purpose of maintaining a desired tension in a film web (see Fig.1).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the modified invention of Inamura with the tension means as taught by Zelnick for the purpose of maintaining a desired tension in a film web.

Response to Arguments

5. Applicant's arguments filed 1/29/2007 have been fully considered but they are not persuasive.

Applicant argues that the there is no suggestion to combine the references of Inamura and Jones. The examiner does not agree.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the teaching of Jones is being provided to show the applicant that it is old and well known in the art to provide moving means to maintain the tension in the web of material and a switch, which functioning as a sensor, determines the position of the tension roller.

Additionally, applicant argues that the combined references do not disclose or teach the moving means located in the middle of the conveyance path as well as the intended use of the sensing means.

Where the structural limitations of a claim have been met, it is considered routine and of ordinary skill in the art to rearrange the parts of an invention. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950). *See also* MPEP § 2144.04. Moreover, A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Therefore for the reasons indicated above, the rejection is deemed proper.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Durand whose telephone number is 571-272-4459. The examiner can normally be reached on 0730-1800, Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Paul Durand
April 2, 2007

Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700